

MAINE STATE LEGISLATURE

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120th MAINE LEGISLATURE

FIRST REGULAR SESSION-2001

Legislative Document

No. 1812

S.P. 630

In Senate, May 23, 2001

**An Act to Prevent Infestation of Invasive Aquatic Plants and to Control
Other Invasive Species.**

(EMERGENCY)

Reported by Senator Martin for the Joint Standing Committee on Natural Resources
pursuant to Joint Order S.P. 599

A handwritten signature in cursive script that reads "Joy J. O'Brien".

JOY J. O'BRIEN
Secretary of the Senate

2 **Emergency preamble. Whereas,** Acts of the Legislature do not
become effective until 90 days after adjournment unless enacted
as emergencies; and

4 **Whereas,** invasive aquatic plants and nuisance species pose a
6 substantive threat to the environment and economy of the State;
and

8 **Whereas,** the most common method of spreading invasive
10 aquatic plants is on recreational boats, watercraft trailers and
fishing equipment; and

12 **Whereas,** Maine's inland waters face an immediate threat of
14 infestation by invasive aquatic plants during the 2001 summer
boating season; and

16 **Whereas,** in the judgment of the Legislature, these facts
18 create an emergency within the meaning of the Constitution of
Maine and require the following legislation as immediately
20 necessary for the preservation of the public peace, health and
safety; now, therefore,

22 **Be it enacted by the People of the State of Maine as follows:**

24 **PART A**

26

28 **Sec. A-1. 12 MRSA §7791, sub-§1-B** is enacted to read:

30 1-B. Aquatic plant. "Aquatic plant" means a vascular
32 plant species that requires a permanently flooded freshwater
habitat.

34 **Sec. A-2. 12 MRSA §7791, sub-§3-A** is enacted to read:

36 3-A. Invasive aquatic plant. "Invasive aquatic plant"
38 means a species of aquatic plant described in Title 38, section
410-N.

40 **Sec. A-3. 12 MRSA §§7794-B and 7794-C** are enacted to read:

42 **§7794-B. Lake and river protection sticker**

44 Beginning on January 1, 2002, and by January 1st of each
46 subsequent year, the commissioner shall provide each agent
authorized to register watercraft or issue licenses with a
48 sufficient quantity of lake and river protection stickers for
that boating season. The sticker must be in 2 parts so that one
part of the sticker can be affixed to each side of the bow of

2 a motorboat or personal watercraft. The fee for a sticker is
3 \$15, of which \$1 per sticker is kept by the agent.

4 1. Disposition of sticker revenues. All fees collected by
5 the commissioner from the sale of stickers under this section are
6 paid daily to the Treasurer of State. Notwithstanding section
7 7800, the treasurer shall credit funds received under this
8 subsection as follows:

10 A. Sixty percent of the revenues are credited to the
11 Invasive Aquatic Plant and Nuisance Species Fund established
12 in the Department of Environmental Protection under Title
13 38, section 1863; and

14 B. Forty percent of the revenues are credited to the Lake
15 and River Protection Fund established in the department
16 under section 7806.

17 2. Administrative cost. The Legislature shall appropriate
18 to the department in each fiscal year an amount equal to the
19 administrative costs incurred by the department in collecting
20 revenue under this section.

21 **§7794-C. Lake and river protection sticker required**

22 Beginning January 1, 2002, a person may not operate a
23 motorboat or personal watercraft on the inland waters of the
24 State unless a lake and river protection sticker issued under
25 section 7794-B is affixed to both sides of the bow above the
26 water line and approximately 3 inches behind the validation
27 sticker required under section 7794.

28 **Sec. A-4. 12 MRSA §7801, sub-§§37 to 39 are enacted to read:**

29 **37. Failure to display a lake and river protection sticker.**
30 Beginning January 1, 2002, a person who places a motorboat or
31 personal watercraft upon the inland waters of the State without
32 displaying a lake and river protection sticker as required by
33 section 7794-C commits a civil violation for which a forfeiture
34 of not less than \$100 and not more than \$5,000 per violation may
35 be adjudged. A forfeiture imposed under this subsection may not
36 be waived by the court.

37 **38. Launching a contaminated watercraft.** A person who
38 places a watercraft that is contaminated with an invasive aquatic
39 plant upon the inland waters of the State commits a civil
40 violation for which a forfeiture of not less than \$500 and not
41 more than \$5,000 per violation may be adjudged. A forfeiture
42 imposed under this subsection may not be waived by the court.

2 39. Operating a watercraft in a quarantined area. A person
3 who operates a watercraft in violation of an order issued under
4 title 38, section 1864 commits a civil violation for which a
5 forfeiture of not less than \$500 and not more than \$5,000 per
6 violation may be adjudged. A forfeiture imposed under this
7 subsection may not be waived by the court.

8 Sec. A-5. 12 MRSA §7806 is enacted to read:

10 §7806. Lake and River Protection Fund

12 The Lake and River Protection Fund, referred to in this
13 section as the "fund," is created within the department as a
14 nonlapsing fund. The fund must be administered by the
15 commissioner. The fund is funded from fees collected for lake
16 and river protection stickers issued under section 7794-B and
17 from other funds accepted for those purposes by the commissioner
18 or allocated or appropriated by the Legislature. Money in the
19 fund may be used for enforcing laws pertaining to invasive
20 aquatic plants, inspecting watercraft for invasive aquatic plant
21 materials, educational and informational efforts targeted at
22 invasive aquatic plant prevention, eradication and management
23 activities and the production and distribution of lake and river
24 protection stickers required under section 7794-B.

26 Sec. A-6. 38 MRSA §419-C, sub-§2, as enacted by PL 1999, c.
27 722, §2, is amended to read:

28 2. Penalty. A person who intentionally violates this
29 section commits a civil violation for which a ~~warning may be~~
30 ~~issued for the first violation,~~ a forfeiture not to exceed \$50
31 \$500 may be adjudged for the ~~2nd~~ first violation and a forfeiture
32 not to exceed \$500 \$2,500 may be adjudged for a subsequent
33 violation.
34

36 Sec. A-7. 38 MRSA c. 20-A is enacted to read:

38 CHAPTER 20-A

40 PROGRAM TO PREVENT INFESTATION OF
41 AND TO CONTROL INVASIVE AQUATIC PLANTS

42 §1861. Definitions

44 As used in this chapter and chapter 20-B, unless the context
45 otherwise indicates, the following terms have the following
46 meanings.

48 1. Invasive aquatic plant. "Invasive aquatic plant" means
50 a species of aquatic plant described in section 410-N.

2 **2. Nuisance species.** "Nuisance species" means an aquatic
4 or terrestrial nonindigenous species that threatens the diversity
 or abundance of native species, the ecological stability of
6 infested waters or commercial, agricultural, aquacultural or
 recreational activity dependent on such waters as identified by
 the department through rulemaking.

8
10 **3. Watercraft.** "Watercraft" has the same meaning as in
 Title 12, section 7791, subsection 14.

12 **§1862. Program to prevent infestation of and to control**
14 **invasive aquatic plants**

16 **1. Program.** The commissioner and the Commissioner of
 Inland Fisheries and Wildlife jointly shall implement a program
18 to inspect watercraft, watercraft trailers and outboard motors at
 or near the border of the State and at boat launching sites for
20 the presence of invasive aquatic plants and to provide
 educational materials to the public and to watercraft owners
22 regarding invasive aquatic plants.

24 **2. Other inspection stations allowed.** The program
 established under this section also may include inspections at
26 boat launching sites on inland waters that are already infested
 and at boat launching sites on the inland waters that have been
28 identified as most at risk of introduction of invasive aquatic
 plants.

30 **3. Informational material to be provided.** The program
 established under this section must provide for the distribution
32 of informational material on invasive aquatic plants, including a
 guide to identifying those plants, information on how to prevent
34 the spread of those plants and information on the potential
 environmental impact and other impacts of infestation.

36
38 **4. Program implementation.** During the 2001 boating season,
 the department and the Department of Inland Fisheries and
40 Wildlife shall spend at least 5,000 person hours inspecting
 watercraft, watercraft trailers and outboard motors at selected
42 boat launching sites and at no fewer than 10 roadside locations
 at or near the state border. In 2001, the program established
44 under this section also must include an extensive educational
 effort involving a variety of media with the goal of informing
46 the public of the risks posed by invasive aquatic plants, how to
 inspect watercraft, watercraft trailers and outboard motors for
48 the presence of invasive aquatic plant material and how to
 properly dispose of that material. The program also must include
 other invasive aquatic plant-related inspection or educational

2 efforts considered appropriate by the commissioner and the
Commissioner of Inland Fisheries and Wildlife.

4 The program in 2002 and subsequent years must be at a level of
effort determined by the commissioner and the Commissioner of
6 Inland Fisheries and Wildlife in consultation with the
Interagency Task Force on Invasive Aquatic Plant and Nuisance
8 Species, as established in section 1871.

10 **§1863. Invasive Aquatic Plant and Nuisance Species Fund**

12 The Invasive Aquatic Plant and Nuisance Species Fund,
referred to in this section as the "fund," is created within the
14 department as a nonlapsing fund. The fund is administered by the
commissioner. The fund is funded from fees collected for lake
16 and river protection stickers issued under Title 12, section
7794-B and from other funds accepted for those purposes by the
18 commissioner or allocated or appropriated by the Legislature.
Money in the fund may be used only for costs related to
20 conducting inspections under section 1862, conducting invasive
aquatic plant prevention, containment, eradication and management
22 activities and reimbursing agencies as necessary for costs
associated with conducting or enforcing the provisions of this
24 chapter and chapter 20-B. The commissioner may also use funds to
contract with municipalities or other entities to conduct
26 inspection, prevention or eradication programs to protect the
inland waters of the State from invasive aquatic plant and
28 nuisance species.

30 **§1864. Emergency authority to regulate surface use**

32 The commissioner and the Commissioner of Inland Fisheries
and Wildlife may jointly issue an emergency order to restrict or
34 prohibit the use of any watercraft on all or a portion of a water
body that has a confirmed infestation of an invasive aquatic
36 plant. The order must be for a specific period of time and may
be issued only when the use of watercraft on that water body
38 threatens to worsen or spread the infestation. The order may
require that watercraft on waters affected by the order be taken
40 out of the water only at locations identified in the order and be
inspected and cleaned by the department upon removal.

42 If the infested water body is a public drinking water
44 supply, public notification by the commissioner and the
Commissioner of Inland Fisheries and Wildlife is required prior
46 to any response action that proposes the use of a chemical
control agent. Public notification must include, at a minimum,
48 notification of adjoining municipalities, property owners,
drinking water suppliers who use that water supply and other
50 affected persons, and must provide adequate time for public

2 review and comment on the proposed emergency action. Chemical
3 control agents may not be used on a water body that is a public
4 water supply without the prior written consent of each public
5 water supplier using that water body.

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8 **PART B**

9
10 **Sec. B-1. 5 MRSA §12004-D, sub-§6** is enacted to read:

11 6. Interagency Task Expenses 38 MRSA §1871
12 Force on Invasive Aquatic Only
13 Plants and Nuisance
14 Species

15
16 **Sec. B-2. 38 MRSA c. 20-B** is enacted to read:

17
18 **CHAPTER 20-B**

19
20 **INVASIVE AQUATIC PLANTS AND NUISANCE**
21 **SPECIES CONTROL**

22
23 **§1871. Interagency Task Force on Invasive Aquatic Plants and**
24 **Nuisance Species**

25
26 The Interagency Task Force on Invasive Aquatic Plants and
27 Nuisance Species, as established by Title 5, section 12004-D,
28 subsection 6 and referred to in this chapter as the "task force,"
29 is established to advise the Land and Water Resources Council,
30 established in Title 5, section 3331, on matters pertaining to
31 research, control and eradication of invasive aquatic plants and
32 nuisance species.

33
34 **1. Membership.** The task force consists of 17 members as
35 follows:

36 **A. The following 5 ex officio voting members:**

37
38 (1) The commissioner or the commissioner's designee,
39 who serves as the chair of the task force;

40
41 (2) The Commissioner of Inland Fisheries and Wildlife
42 or the commissioner's designee;

43
44 (3) The Commissioner of Human Services or the
45 commissioner's designee;

46
47 (4) The Commissioner of Agriculture, Food and Rural
48 Resources or the commissioner's designee; and
49
50

2 (5) The Commissioner of Conservation or the
3 commissioner's designee; and

4 B. Twelve members representing the public appointed by the
5 Governor:

6 (1) One representative of the State's lake
7 associations;

10 (2) One representative of a statewide recreational
11 watercraft owners association;

12 (3) One representative of a statewide organization of
13 marina owners;

16 (4) One representative of a lakes education program;

18 (5) One representative of public drinking water
19 utilities;

20 (6) One representative of commercial tree and garden
21 nurseries;

24 (7) One representative of home gardeners;

26 (8) One representative of municipal government;

28 (9) One representative of a statewide sporting
29 association;

30 (10) One representative of a statewide outdoor
31 recreational group;

34 (11) One person with demonstrated expertise in lake
35 ecology; and

36 (12) One public member who has demonstrated experience
37 or interest in the area of threats to fish and wildlife
38 posed by invasive aquatic plants and nuisance species.

40 2. Terms. Members appointed by the Governor serve 4-year
41 terms, except that, as determined by the Governor, of the initial
42 appointments, 4 must be for 3 years, including the public member
43 and 4 must be for 2 years. Members serve until their successors
44 are appointed. A vacancy must be filled for the remainder of the
45 unexpired term.

48 3. Advisory group of federal agency representatives. The
49 task force may form an advisory group of federal agency
50 representatives that may include, but is not limited to,

2 representatives of the United States Department of the Interior,
3 United States Fish and Wildlife Service and National Park Service
4 assigned to Acadia National Park; the United States Department of
5 Agriculture; the United States Forest Service within the United
6 States Department of Agriculture; and the United States
7 Environmental Protection Agency.

8 4. Duties. The task force may make recommendations to the
9 Land and Water Resources Council on:

10 A. The importation and transportation of invasive aquatic
11 plants and nuisance species;

12 B. Monitoring and educational programs aimed at the control
13 of invasive aquatic plants and nuisance species;

14 C. A comprehensive state invasive aquatic plants and
15 nuisance species management plan that meets the requirements
16 of the National Invasive Species Act of 1996, 16 United
17 States Code, Section 4722;

18 D. A statewide inventory of invasive aquatic plants and
19 nuisance species;

20 E. Methods to improve cooperation of state, provincial,
21 federal and nongovernmental agencies in the area of invasive
22 aquatic plants and nuisance species prevention and control;

23 F. Recommendations on the feasibility of implementing lake
24 protection assessment districts that allow residents and
25 owners of land within 250 feet of inland waters to assess
26 themselves to raise funds to assist in the prevention and
27 control of invasive aquatic plants; and

28 G. Other recommendations as necessary to control the
29 introduction of invasive aquatic plants and nuisance species
30 in the State.

31 5. Staff. The department shall provide staff support to
32 the task force.

33 **§1872. Action plan to protect State's inland waters**

34 The task force shall also recommend to the Land and Water
35 Resources Council an action plan to protect the State's inland
36 waters from invasive aquatic plants and nuisance species. That
37 plan may include, but is not limited to:

1. Identification of inland waters known to be infested.
Identification of inland waters of the State that are known to be
infested with invasive aquatic plants and nuisance species;

2. Vulnerability assessment. Recommendations on conducting
a preliminary vulnerability assessment of the State's largest
inland waters to identify the largest inland waters in the State
most at risk of infestation by invasive aquatic plants and
nuisance species. That assessment may include such factors as
the proximity of the inland water body to other infested waters,
proximity of major transportation routes, presence of a public
watercraft launch, use of the inland water body by transient
boaters, the number of lakefront property owners and other
factors as the commissioner may determine to be appropriate. The
assessment also must identify the most probable vectors or
pathways of introduction of invasive aquatic plants and nuisance
species and identify those inspection locations most likely to
result in identification and prevention of new introductions;

3. Lake monitoring program. Recommendations on a program
to monitor inland waters in the State for new introductions of
invasive aquatic plants and nuisance species, including
recommendations on implementing that program and methods to
provide for the periodic inspection of inland waters for new
introductions of invasive aquatic plants and nuisance species,
particularly in areas close to public watercraft launch
facilities;

4. Response program. Recommendations on a response program
to deal with new introductions of invasive aquatic plants and
nuisance species in inland waters in the State; and

5. Training and public information materials.
Recommendations on the development and distribution of training
materials and public information materials for use by the public,
lake monitors and persons authorized to inspect boats for
invasive aquatic plants and nuisance species.

PART C

Sec. C-1. Report to committee. The Commissioner of
Environmental Protection and the Commissioner of Inland Fisheries
and Wildlife jointly shall report to the Joint Standing Committee
on Natural Resources and the Joint Standing Committee on Inland
Fisheries and Wildlife no later than January 15, 2002 on the
invasive aquatic plant education and inspection program,
established in the Maine Revised Statutes, Title 38, section
1862, conducted during the 2001 boating season and on plans for
that program for the boating seasons of 2002 and subsequent
years. The

2 report must quantify the hours spent by each agency on
inspections, the number and type of informational materials
4 produced and distributed and the number, type and location of any
enforcement actions taken under the program. The report must
6 also document the actual costs of operating that program in 2001
and the projected cost of operating the program in 2002 and
subsequent years.

8
10 **Sec. C-2. Authority to report out legislation.** The Joint Standing
Committee on Natural Resources is authorized to report out
12 legislation on invasive aquatic plants and nuisance species to
the Second Regular Session of the 120th Legislature.

14 **Sec. C-3. Transfers from the Maine Rainy Day Fund.** On July 1,
2001, the State Controller shall transfer the following funds
16 from the Maine Rainy Day Fund established under the Maine Revised
Statutes, Title 5, section 1513:

18
20 **1. Invasive Aquatic Plant and Nuisance Species Fund.** Two
hundred thirty thousand dollars is transferred from the Maine
Rainy Day Fund to the Invasive Aquatic Plant and Nuisance Species
22 Fund established in the Department of Environmental Protection
pursuant to Title 38, section 1863; and

24
26 **2. Lake and River Protection Fund.** Three hundred thirty
thousand dollars is transferred from the Rainy Day Fund to the
Lake and River Protection Fund established in the Department of
28 Inland Fisheries and Wildlife pursuant to Title 12, section 7806.

30 The Department of Environmental Protection and the
Department of Inland Fisheries and Wildlife shall reimburse the
32 Maine Rainy Day Fund in full no later than June 30, 2002 for all
funds transferred under this section.

34
36 **PART D**

38 **Sec. D-1. Allocation.** The following funds are allocated from
Other Special Revenue funds to carry out the purposes of this Act.

40
42
44
46

	2001-02	2002-03
ENVIRONMENTAL PROTECTION, DEPARTMENT OF		
Land and Water Quality		
48 Positions	(3,000)	(3,000)
Personal Services	\$91,572	\$178,342

2	All Other	155,000	900,000
	Capital Expenditures		17,000
4	Allocates funds for one		
6	additional Biologist I		
8	position to start on		
10	September 1, 2001, one		
12	additional Environmental		
14	Specialist III position to		
16	start on January 1, 2002, one		
	additional Environmental		
	Specialist III position to		
	start on March 1, 2002 and		
	operating costs necessary to		
	implement an invasive aquatic		
	plants prevention program.		
18	DEPARTMENT OF ENVIRONMENTAL		
	PROTECTION		
20	TOTAL	<u>\$246,572</u>	<u>\$1,095,342</u>
22	INLAND FISHERIES AND WILDLIFE,		
	DEPARTMENT OF		
24	Enforcement Operations -		
26	Inland Fisheries and Wildlife		
28	Positions - Legislative Count		(6,000)
	Personal Services	\$40,000	\$309,828
30	All Other	15,000	80,000
	Capital Expenditures		90,000
32	TOTAL	<u>\$55,000</u>	<u>\$479,828</u>
34	Allocates funds to cover		
36	overtime enforcement costs		
38	for Game Wardens in fiscal		
40	year 2001-02, for 6		
42	additional Game Warden		
44	positions beginning in fiscal		
	year 2002-03 and for		
	operating costs necessary to		
	implement an invasive aquatic		
	plants prevention program.		
46	Licensing Services -		
	Inland Fisheries and Wildlife		
48	All Other	\$140,000	\$140,000
50			

2 Allocates funds for the
printing and distribution of
4 lake and river protection
stickers.

6 **Public Information and Education -
Division of**

8			
10	Positions - Nonlegislative Count	(1.534)	(1.534)
	Personal Services	\$45,891	\$48,186
	All Other	30,000	30,000
12		<hr/>	<hr/>
14	TOTAL	\$75,891	\$78,186

16 Allocates funds to increase
11 Recreational Safety
Coordinator positions from
18 750 hours per year to 1040
hours per year and for
20 increased operational costs
for these positions.

22 **Fisheries and Hatcheries
24 Operations**

26	Positions - Nonlegislative Count	(1.000)	(1.000)
	Personal Services	\$48,206	\$50,616
28	All Other	10,000	10,000
30		<hr/>	<hr/>
	TOTAL	\$58,206	\$60,616

32 Allocates funds to increase 2
part-time Biologist I
34 positions to one full-time
equivalent Biologist I
36 position and for increased
operating costs for these
38 positions.

40 **DEPARTMENT OF INLAND FISHERIES
AND WILDLIFE**

42	TOTAL	<hr/>	<hr/>
		\$329,097	\$758,630

44	TOTAL ALLOCATIONS	<hr/>	<hr/>
		\$575,669	\$1,853,972

46 **Emergency clause.** In view of the emergency cited in the
preamble, this Act takes effect when approved.

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FISCAL NOTE

2001-02 2002-03

APPROPRIATIONS/ALLOCATIONS

Other Funds \$575,669 \$1,853,972

REVENUES

Other Funds \$1,190,000 \$2,380,000

The bill authorizes transfers of \$580,000 on July 1, 2001 from the Maine Rainy Day Fund to 2 new dedicated funds within the Department of Environmental Protection and the Department of Inland Fisheries and Wildlife to provide initial capitalization. The funds advanced must be returned to the Maine Rainy Day Fund before the close of fiscal year 2001-02. The amount of interest earnings that will be lost to the Maine Rainy Day Fund as a result of the transfer can not be estimated but is not expected to exceed \$35,000. The Governor's proposed "current services" budget as amended by Committee Amendment "A" includes changes to the Maine Rainy Day Fund that may affect this bill's impact. This estimate of the fiscal impact may need to be adjusted based on final legislative actions on the "current services" budget.

The establishment of lake and river protection stickers will increase fee collections. The estimated collection of dedicated revenue for the newly established Lake and River Protection Fund within the Department of Inland Fisheries and Wildlife is \$476,000 and \$952,000 in fiscal years 2001-02 and 2002-03, respectively. In addition, the establishment of lake and river protection stickers will increase dedicated revenue collected by the Department of Environmental Protection. The estimated collection of dedicated revenue for the newly established Invasive Aquatic Plant and Nuisance Species Fund within the department is \$714,00 and \$1,428,000 in fiscal years 2001-02 and 2002-03, respectively. Approximately 35% of these revenue estimates for both departments are based on the purchase of lake and river protection stickers by the owners of an estimated 60,000 out-of-state boats that are brought into the State each year for use on inland waters. If a significant number of out-of-state boat owners do not comply with the lake and river sticker requirements, then the actual revenues collected by each department may be less than the estimated amounts shown above.

This bill includes Other Special Revenue funds allocations of \$329,097 and \$758,000 in fiscal years 2001-02 and 2002-03,

2 respectively, for the Department of Inland Fisheries and Wildlife
3 to provide funding to increase 2 part-time positions to the
4 equivalent of one full-time Biologist I position, to increase 11
5 part-time Recreational Coordinator positions from 750 hours per
6 year to 1040 hours per year, to establish 6 additional Game
7 Warden positions beginning in fiscal year 2002-03 and for
8 operating costs necessary to implement an invasive aquatic plants
prevention program.

10 This bill also includes Other Special Revenue funds
11 allocations of \$246,572 and \$1,095,342 in fiscal years 2001-02
12 and 2002-03, respectively, for the Department of Environmental
13 Protection to provide funding for one additional Biologist I
14 position beginning on September 1, 2001, one additional
15 Environmental Specialist III position beginning on January 1,
16 2002, one additional Environmental Specialist III position
17 beginning on March 1, 2002 and for operating costs necessary to
18 implement an invasive aquatic plants prevention program.

20 The Department of Agriculture, Food and Rural Resources, the
21 Department of Conservation, the Department of Environmental
22 Protection and the Department of Inland Fisheries and Wildlife
23 will incur some minor additional costs to participate as ex
24 officio members of the Interagency Task Force on Invasive Aquatic
25 Plants and Nuisance Species. These costs can be absorbed within
26 the departments' existing budgeted resources.

28 The Department of Inland Fisheries and Wildlife and the
29 Department of Environmental Protection will incur some minor
30 additional costs to submit a required report to the Legislature.
31 These costs can be absorbed within the departments' existing
32 budgeted resources.

34 The additional workload and administrative costs associated
35 with the minimal number of new cases filed in the court system
36 can be absorbed within the budgeted resources of the Judicial
37 Department. The collection of additional fines may increase
38 General Fund revenue by minor amounts.

40 SUMMARY

42 This bill is reported by the Joint Standing Committee on
43 Natural Resources pursuant to Joint Order 2001, S.P. 599.

44 This bill creates a program to address threats posed to the
45 inland waters of the State by invasive aquatic plants and
46 nuisance species. The program is implemented through the
47 Department of Environmental Protection and the Department of
48 Inland Fisheries and Wildlife.
49
50

2 The bill requires those departments to conduct in 2001 a
4 program that includes a substantial public education component
6 combined with at least 5,000 person hours spent inspecting boats,
8 motors and trailers for invasive aquatic plants at selected boat
10 launching facilities and at no fewer than 10 roadside locations
12 at or near the state border. In 2002 and subsequent years, the
14 actual level of inspections will be determined by those
16 departments in consultation with the Interagency Task Force on
18 Invasive Aquatic Plants and Nuisance Species, established in the
20 bill. The allocations in the bill for fiscal year 2002-03,
22 however, anticipate at least 15,000 hours of inspections at boat
24 launching facilities and at no fewer than 20 roadside locations.

14 In addition to the education and inspection components of
16 the program, the Department of Environmental Protection and the
18 Department of Inland Fisheries and Wildlife are authorized to
20 jointly issue emergency orders to restrict or prohibit the use of
22 any watercraft on all or a portion of a water body that has a
24 confirmed infestation of an invasive aquatic plant. Such orders
26 must be for a specific period of time and may be issued only when
the use of watercraft on that water body threatens to worsen or
spread the infestation. If the infested water body is a public
drinking water supply, public notification and opportunity for
comment is required prior to taking any response action that
proposes the use of a chemical control agent.

28 The bill also prohibits the operation of a motorboat or
30 personal watercraft on inland waters after January 1, 2002 unless
32 that motorboat or personal watercraft displays a lake and river
34 protection sticker on both sides of the bow. The fee for the
36 sticker is \$15. The sticker will be available statewide through
38 all agents authorized by the Department of Inland Fisheries and
40 Wildlife to register boats or sell hunting and fishing licenses.
42 The agents retain \$1 from the sale of each sticker. The
44 remaining revenues from the stickers are divided between new
funds in the Department of Inland Fisheries and Wildlife and the
Department of Environmental Protection to be used for education,
inspection and enforcement efforts related to the control of
invasive aquatic plants and nuisance species, either directly or
through grants to public or private entities. Forty percent of
the revenues from the stickers are allocated to the Department of
Inland Fisheries and Wildlife and 60% of the revenues are
allocated to the Department of Environmental Protection.

46 The bill also creates the 17-member Interagency Task Force
48 on Invasive Aquatic Plants and Nuisance Species with the
responsibility of advising the Land and Water Resources Council
on various actions to control invasive aquatic plants and

2 nuisance species and to recommend a state plan to address those
3 threats.

4 The bill transfers from the Maine Rainy Day Fund to the
5 Department of Environmental Protection and Department of Inland
6 Fisheries and Wildlife a sufficient amount of money to fund
7 program costs for the 2001 boating season, but requires that
8 those departments reimburse the Maine Rainy Day Fund in full
9 prior to the end of the 2001-02 fiscal year. Program costs for
10 2002 subsequent years and are funded entirely from revenues
11 collected from the annual sale of lake and river protection
12 stickers.

13 The bill also directs the Department of Environmental
14 Protection and the Department of Inland Fisheries and Wildlife to
15 report to the Joint Standing Committee on Natural Resources and
16 the Joint Standing Committee on Inland Fisheries and Wildlife no
17 later than January 15, 2002, on the invasive aquatic plant
18 education and inspection program conducted during the 2001
19 boating season and on plans for that program for 2002 and
20 subsequent years. The bill authorizes the Joint Standing
21 Committee on Natural Resources to report out legislation on
22 invasive aquatic plants and nuisance species to the Second
23 Regular Session of the 120th Legislature.
24